

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRENDAN WELCH,

Plaintiff,

vs.

MORGAN & MORGAN, and JUSTIN  
TOMLINSON,

Defendants.

**8:23CV350**

**MEMROANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis. [Filing No. 13](#). Plaintiff filed a Notice of Appeal, [Filing No. 12](#), on September 12, 2023. Plaintiff appeals from the Court's Memorandum and Order and Judgment dated September 8, 2023, [Filing No. 10](#); [Filing No. 11](#), in which the Court dismissed this matter without prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma

pauperis and states in writing its reasons for the certification or finding . . . .

The Court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 13](#), is granted.

Dated this 14th day of September, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon  
Senior United States District Judge